

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ROBERTO SALAZAR

Defendant.

CASE NO. 11CR5238WQH
CASE NO. 12CV2700WQH

ORDER

HAYES, Judge:

The matter before the Court is the Motion for time reduction by an inmate in federal custody under 28 U.S.C. § 2255. (ECF No. 21).

On January 3, 2012, this case was dismissed “for the reason that an indictment has been filed in another case against the defendant and the Court has granted the motion of the Government for dismissal of this case, without prejudice.” (ECF No. 20).

A district court must summarily dismiss a § 2255 application “[i]f it plainly appears from the motion, any attached exhibits, and the record of prior proceedings that the moving party is not entitled to relief.” Rule 4(b), Rules Governing Section 2255 Proceedings for the United States District courts.

IT IS HEREBY ORDERED that the motion for time reduction by an inmate in federal custody under 28 U.S.C. § 2255 (ECF No. 21) filed by the Defendant is denied.

DATED: November 14, 2012


WILLIAM Q. HAYES
United States District Judge